

REMARKS

With regard to the Interview Summary mailed on March 12, 2009, applicants agree with the Examiner's statement of the substance of the interview that was held on March 10, 2009.

Reconsideration of the application is requested.

Claims 13, 14, and 16-34 are now in the application. Claims 13, 14, and 16-34 are subject to examination. Claims 13, 23, and 32 have been amended. Claim 34 has been added.

Under the heading "Drawings" on page 2 of the above-identified Office Action, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5).

The specification has been amended to refer to the reference characters OSZ that are associated with the oscillator OSZ shown in Figs. 7 and 8.

Under the heading "Drawings" on page 2 of the above-identified Office Action, the drawings are objected to as failing to comply with 37 CFR 1.83 (a).

The filter has been canceled from claims 13 and 23.

Under the heading "Claim Rejections – 35 USC § 112" on page 3 of the above-identified Office Action, claims 13, 14, and 16-33 have been rejected as failing to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph.

The limitations relating to the average power have been deleted from claims 13 and 23 in order to advance prosecution of claims 13, 14, and 16-33.

Applicants, however, believe that the specification does enable using a detector to measure the average power of the receiving oscillator, and point to Fig. 5, for example and, in particular, to the specification at page 11, line 25 through page 12, line 9, wherein it is taught that the detector functions as a power meter.

Claim 34 has been added in an attempt to obtain a claim directed towards this function of the detector. Claim 34 specifies that said receiver includes a detector, said receiving oscillator provides an output signal to said detector, and said detector measures an average power output of said receiving oscillator.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections – 35 USC § 102" on page 4 of the above-identified Office Action, claims 13, 14, 18, 20, 23-26, 29 and 32-33 have been rejected as being fully anticipated by U.S. Patent No. 6,384,768 to Kai under 35 U.S.C. § 102 or in the alternative as being obvious over U.S. Patent No. 6,384,768 to Kai in view of the admitted prior art.

Claims 13, 23, and 32 have been amended to better define the invention. Support for the changes can be found by referring to the specification at page 7, lines 19-16, page 10, lines 1-6, page 11, lines 15-23, and page 13, lines 5-7.

Claim 13 now specifies that the receiver includes a receiving oscillator that is periodically switched on and off and that the oscillation start up time of the oscillator is influenced by the reflection signal. Claims 23 and 32 include similar limitations.

Kai teaches a voltage controlled oscillator 2 that generates a triangular wave having a frequency of 76 to 77 GHz. A switch 3 switchably connects the oscillator 2 to a transmitting amplifier 4 and to a receiving mixer 9 (column 6, lines 6-20). The voltage controlled oscillator 2 is not switched on and off. If some reason, it were even possible to modify the voltage controlled oscillator 2 to be switched on and off and be functional within the scope of the taught configuration, the oscillation start up time of the voltage controlled oscillator 2 would be controlled by the modulation voltage generator 1; it would not be

influenced by the reflection signal. Applicants assert that the received signal might be coupled to the voltage controlled oscillator 2 to some extent, but that the voltage controlled oscillator 2, and in particular, the start-up time of the oscillator 2 would not have been influenced by the received signal.

Applicants believe that the invention as defined by claims 13, 23, and 32 are not taught by Kai or suggested by Kai in view of the admitted prior art.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claims 16, 17, 19, 30 and 31 have been rejected as being obvious over U.S. Patent No. 6,384,768 to Kai in view of the admitted prior art under 35 U.S.C. § 103.

Applicants believe that the invention as defined by claims 16, 17, 19, 30 and 31 is not suggested for the reasons given above with regard to claims 13 and 23.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 21, 22, 27 and 28 have been rejected as being obvious over U.S. Patent No. 6,384,768 to Kai in view of U.S. Patent No. 6,192,229 to Stikvoort under 35 U.S.C. § 103. Applicants respectfully traverse.

Applicants believe that the invention as defined by claims 21, 22, 27 and 28 is not suggested for the reasons given above with regard to claims 13 and 23.

With regard to new claim 34, applicants believe that no combination of Kai, Stikvoort, and/or the admitted prior art teach or suggest a detector that measures an average power output of a receiving oscillator.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 13, 23, or 32. Claims 13, 23, and 32 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 13, 23, or 32.

In view of the foregoing, reconsideration and allowance of claims 13, 14, and 16-34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

A fee in the amount of \$52.00 has also been included for presenting one claim in excess of twenty.

Please charge any other fees that might be due with respect to Sections 1.16
and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-
1099.

Respectfully submitted,

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MPW:cgm

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